

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>MARVIN RHODEN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 05-625-WDS</b>
	)	
<b>MARVIN POWERS, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**STIEHL, District Judge:**

In an order entered January 29, 2007 (Doc. 5), the Court revoked its prior grant of Plaintiff's motion for leave to proceed *in forma pauperis*, finding that Plaintiff is barred from proceeding as a pauper. In that order, Plaintiff was directed to pay the \$250 filing fee for this action within 15 days.

Instead of paying that filing fee, Plaintiff has now moved this Court for voluntary dismissal of the action pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure (Doc. 6). In that motion, he also claims that he is in imminent danger of serious physical harm, as he now suffers from "full-blown leukemia" for which he is not receiving treatment. As the Court discussed in the January 29 order, *this* action primarily involves alleged negligent medical treatment for athlete's foot in 2005. His claim that he *now* suffers from leukemia is unrelated to the determination of whether he was in imminent danger of serious physical harm from his athlete's foot condition when he filed this action in August 2005. Therefore, any claims involving medical treatment for leukemia must be raised in a separate lawsuit.

Returning to the motion at hand, the Court finds that voluntary withdrawal of his complaint is Plaintiff's right. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

**DATED: March 1, 2007.**

**s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**